

## **CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence for Application No. 10/695,380 is being electronically transmitted to the Commissioner for Patents via EFS-WEB, on October 31, 2006

/Kevin G. Rooney/  
Kevin G. Rooney, Reg. No. 36,330

October 31, 2006  
Date

**PATENT**

### **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Paul A. Spence et al.  
Serial No.: 10/695,380  
Filed: October 28, 2003  
Art Unit: 3738  
Examiner: William H. Matthews  
Conf. No.: 5321  
Title: HEART VALVE REPAIR APPARATUS AND METHODS  
Atty Docket No.: SPEN-03C

Cincinnati, Ohio 45202

October 31, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

#### **AMENDMENT, PETITION AND FEE TO DELETE AN ORIGINALLY NAMED INVENTOR (37 C.F.R. § 1.48(a))**

1. This amendment and petition is to:  
(check each applicable item)  
  
☒ correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on October 28, 2003.
2. Addition and/or Deletion of Inventor(s)  
(check and complete all applicable items)  
  
☐ Add the following previously unnamed person(s) as inventor(s) of this application:  
  
☒ Delete the following previously incorrectly named inventor(s):  
  
Mark Ortiz

3. Attachments

Attached is:

(a) A statement from:

(check items below that apply)

☐ each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).

☒ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).

(b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. § 1.63.

(c) written assent of the assignee under 37 C.F.R. § 3.73(b).

4. Fee Payment (37 C.F.R. § 1.17(i))

The fee required is paid as follows:

☐ Enclosed is a check for \$130.00.

☒ Charge Payment to Credit Card. See Electronic Fee Sheet.

☒ Charge any deficiencies or additional fees required or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/Kevin G. Rooney/

Kevin G. Rooney

Reg. No. 36,330

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241 -2324

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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STATEMENT OF MARK ORTIZ

I, Mark Ortiz, hereby state that the error in naming myself as a joint inventor in the above-referenced patent application occurred without any deceptive intention on my part.

Date: 10/27/06

Mark Ortiz  
Mark Ortiz

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Commissioner for Patents  
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Alexandria, VA 22313-1450

Sir:

### **CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP IN PATENT APPLICATION (37 C.F.R. § 1.48(a))**

Nordson Corporation, owner by assignment of the above patent application,

☐ in the assignment recorded concurrently herewith,  
☒ in the assignment recorded in the PTO on April 10, 2000  
Frames 10744  
Reel 357-358

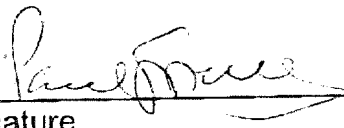
hereby consents to the amendment of the inventorship of this patent application as requested

☒ in the accompanying papers.  
☐ in the papers mailed to the PTO on \_\_\_\_\_.

(complete the following if applicable)

- ☒ Attached is a "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)," establishing the right of the assignee to take action in this case.

Date: Oct 27 2002

  
Signature

Paul A. Spence  
(type or print name of signatory)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Paul A. Spence et al.

Application No./Patent No.: 10/695,380 Filed/Issue Date: October 28, 2003

Entitled:

Paul A. Spence, a Individual  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 10744, Frame 357-358, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Paul A. Spence  
Signature

Oct 28 2006  
Date

Paul A. Spence  
Printed or Typed Name

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**DECLARATION, POWER OF ATTORNEY, AND PETITION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HEART VALVE REPAIR APPARATUS AND METHODS

the specification of which (check one below):

- ☐ is attached hereto.
- ☒ was filed on October 28, 2003 as Application Serial No. 10/695,380 or Express Mail No. \_\_\_, and was amended on \_\_\_ (if applicable).
- ☐ was filed on \_\_\_ as PCT International Application No. \_\_\_, and as amended under PCT Article 19 on \_\_\_ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed?

_____	_____	_____	( ) Yes ( ) No
(Number)	(Country)	Day/Month/Year Filed	
_____	_____	_____	( ) Yes ( ) No
(Number)	(Country)	Day/Month/Year Filed	
_____	_____	_____	( ) Yes ( ) No
(Number)	(Country)	Day/Month/Year Filed	

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

10/268,028	10/9/2002	Patented
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
09/496,450	2/2/2000	Abandoned
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
_____	_____	_____
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)

I hereby appoint the practitioners associated with the customer number 26,875, as my attorneys or agents, with full power of substitute and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to

Kevin G. Rooney

Address of customer number 26,875  
Telephone (513) 241-2324



Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Inventor Paul A. Spence

Inventor's Signature



Date Oct 29 2006

Residence City/State Louisville, Kentucky

Citizenship Canadian

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